

Martin J. O'Malley
Governor

Anthony G. Brown
Lt. Governor



Gloria Lawlah
Secretary

DEPARTMENT OF AGING

Choice, Independence and Dignity for Older Marylanders

2013 Maryland General Assembly Session Wrap-Up

Budget

The 2013 Legislative Session was dominated by issues that included the repeal of the death penalty, gun control legislation, an off-shore wind incentive package and a gasoline tax increase. The budget fared better than past three years, so the budget activity for the 2013 session focused upon continuing efforts to reduce the size of the \$2 billion structural deficit, which the legislature did quite successfully. They significantly reduced the shortfall between ongoing general fund revenues and spending to a manageable level.

The Maryland Department of Aging's budget did not, unlike last year, have its budget reduced, and the Budget Committees concurred with the Governor's allowance. There was a \$35,000 shortfall in the Departments' Senior Care Program, but those dollars were returned to the program during the conference committee meetings.

SUCCESSFUL LEGISLATION

Maryland Access Point

The Maryland Department of Aging introduced one departmental bill – ***Senate Bill 83, Department of Aging – Aging and Disability Resource Center Program – Maryland Access Point***. This bill was passed both houses and will be signed into law by Governor O'Malley <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0083e.pdf>. SB 83 codifies the Maryland Access Point (MAP) into state statute. MAPs are the designated single point of entry/no wrong door for older adults and adults with disabilities and their caregivers who are seeking information, referral and long term services and supports. Essentially, this bill allows the Department to administer, supervise and coordinate the MAP program, in cooperation with other State agencies. The MAP website: <http://www.marylandaccesspoint.info/>.

Another bill that passed and will be signed into law involving the Maryland Access Point (MAP) program is ***SB 346 Innovations in Aging Program*** –

Commission on Aging – Responsibilities,

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0346t.pdf>.

This bill allows for the transfers of powers and responsibilities from the inactive Innovations in Aging Advisory Council to the active Maryland Commission on Aging. The responsibilities include developing an annual innovation in Aging Services Program plan to give to the Secretary of the Maryland Department of Aging, and advising the Secretary of Aging on different innovative initiatives and awarding grants to these programs when private and/or government funding becomes available.

One other piece of legislation that was passed by both houses and will be signed into law involving MAPS is ***HB 957 Housing – Accessible Housing for Senior Homeowners, Older Adults and Individuals with Disabilities***

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0957e.pdf>. The Maryland Departments of Housing and Community Development, Health and Mental Hygiene, Human Resources and Disabilities worked closely with Delegate Rosenberg, the sponsor of the bill, to ensure all older adults and adults with disabilities receive the best information about housing options available to them. The Options Counselors in each MAP (20 statewide) will receive training on housing options available to older adults and individuals with disabilities. The state agencies listed will collaborate on the development of the training. Additionally, the Department of Community Housing and Development will make grants available to families with limited incomes under the Maryland Housing Rehabilitation Program for repair, renovations or modifications that make their homes accessible for persons with disabilities.

And finally ***SB 679 Virginia I. Jones Alzheimer’s Disease and Related Disorders Council*** passed and will continue the work initiated by the Maryland Alzheimer’s Disease and Related Disorders Commission

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0679t.pdf>.

This bill establishes the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council and specifies council membership. The Department of Health and Mental Hygiene (DHMH) is required, with the assistance of the Maryland Department of Aging (Moa) to staff the council. Maryland Access Points (MAPs) will help to improve access to and coordination of services and knowledge of available resources and information and be part of the public education campaign as specified in the bill.

Vulnerable Adults

There were several bills this session addressing Vulnerable Adults, particularly addressing abuse registries. The final abuse registry bill – ***Senate Bill 355/HB 57 Office of Health Care Quality – Abuse Registry Workgroup***

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0057t.pdf>.

As passed, this bill will require the Office of Health Care Quality to reconvene the Abuser Registry Workgroup originally convened in 2012. The workgroup

will review the work completed and the alternative approaches described previously. They will also monitor the implementation of previously specified recommendations and recommend changes in statutory law, regulations or procedures to prevent abuse and neglect in healthcare settings. A report from this workgroup is due by January 1, 2012 to Governor O'Malley.

Another bill that passed regarding Vulnerable Adults is ***HB 116/SB 267 Courts and Judicial Proceedings – Interception of Communications – Abuse or Neglect of Vulnerable Adult and Medicaid Fraud of Vulnerable Adult and Medicaid Fraud***,

http://mgaleg.maryland.gov/2013RS/Chapters_noln/CH_39_hb0116t.pdf.

This bill adds abuse or neglect of a vulnerable adult and offenses relating to Medicaid fraud under the Criminal Law Article to the list of crimes for which evidence may be gathered during a criminal investigation through the interception of oral, wire, or electronic communications. Bills that attempted to increase penalties for perpetrators who abused vulnerable adults and freeze their assets did not pass out of the Judiciary Committee this session.

HB 1396 Criminal Law – Theft-Related Crimes – Penalties also passed.

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb1396t.pdf>. This bill will alter the penalties for a conviction of extortion, malicious destruction of property, obtaining property or services by bad check, credit card fraud, identity fraud, State health plan fraud, and exploitation of a vulnerable adult involving a value at or over \$1,000; etc.

House Bill 1159 Electric Utilities – Service Restoration –Special Medical Needs Facilities, <http://mgaleg.maryland.gov/2013RS/bills/hb/hb1159e.pdf> as passed, requires the Secretary of Health and Mental Hygiene (DHMH) to establish and then provide a list of “special medical needs facilities” (assisted living facilities, hospice, nursing homes, etc.) to each electric company for the respective territory and post the list on the DHMH website. HB 1159 also requires each electric company to submit specified information related to special medical needs facilities in its annual performance report to the Public Service Commission (PSC). Additionally, a PSC workgroup is expanded and the PSC must report to the General Assembly by December 1, 2013.

Health Care

House Bill 228 Maryland Health Progress Act of 2013

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0228t.pdf>.

This is an Administration bill that modifies State law to further implement federal health care reform under the federal Patient Protection and Affordable Care Act (ACA). House Bill 228 expands Medicaid eligibility, establishes a dedicated funding stream for the Maryland Health Benefit Exchange (MHBE) from the insurance premium tax on health insurers, and provides for the

transition of the Maryland Health Insurance Plan (MHIP) enrollees into the MHBE. The bill also establishes a State Reinsurance Program and makes other clarifying changes.

House Bill 581 Hospitals – Establishment of Palliative Care Pilot Programs

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0581t.pdf>.

This bill requires the establishment of at least five palliative care pilot programs – as selected by the Maryland Health Care Commission (MHCC) and in hospitals with at least 50 beds. The pilot programs are required to collaborate with palliative care providers to deliver care, gather data on cost savings to hospitals and providers, access to care and patient choice and report to the MHCC on best practices.

Senate Bill 195/HB 1062 Hospitals – Notice to Patients - Outpatient Status and Billing Implications

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0195t.pdf> passed and requires hospitals to provide oral and written notice to a patient regarding the patient's outpatient status, the billing implications of being an outpatient (versus not being admitted as an inpatient admission) and impact of the patient's eligibility for Medicare rehabilitation services if they are not admitted as an inpatient.

Other Legislation of Interest

HB 1101 Medical Marijuana – Academic Medical Centers – Natalie M. LaPrade Medical Marijuana Commission - passed

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb1101t.pdf>.

SB 175/HB 37 State Government – Commemorative Days – Maryland Centenarians Day - passed

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0175t.pdf>.

SB 790 Department of Health and Mental Hygiene – Advance Directive Registry – Fee and Date of Operation - passed

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0790t.pdf>.

UNFINISHED BUSINESS

Long Term Care Facilities

There were two bills addressing abuse and violence against residents in long term care facilities that failed. ***Senate Bill 804/HB 774 Labor and Employment – Health Care Facilities – Workplace Violence Prevention Program***, <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0804f.pdf> would

have required health care facilities to establish a workplace violence prevention committee and a prevention program.

The other bill, ***House Bill 1267 Nursing Homes and Assisted Living Facilities – Sex Offenders***, <http://mgaleg.maryland.gov/2013RS/bills/hb/hb1267f.pdf>, would have required a registered sex offender who wants to be admitted to a nursing home or assisted living facility to provide specified notification to the facility during the admission process, among other various requirements regarding the admission and transfer of the registered sex offender. This bill would have also prohibited a long term care facility from knowingly employing an identified sex offender. There will be a workgroup to address the issues during the interim.

SB 22 Sales and Tax Use – Exemption – Home Wheelchair and Stairlifts – did not pass <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0022t.pdf>.

HB 822 Mental Health and Substance Use Disorder Safety Net Act of 2013 - did not pass <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0822f.pdf>.

HB 54/SB 354 Criminal Procedure – State Vulnerable-Adult Abuser Registry
<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0054f.pdf>

HB 326/SB 333 Criminal Procedure – Vulnerable Adult Abuse Registry
<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0326f.pdf>

HB 1259 Crimes – Elder Abuse or Neglect – Restrictions on Pretrial Release
<http://mgaleg.maryland.gov/2013RS/bills/hb/hb1259f.pdf>

HB1260 Crimes – Elder Abuse or Neglect – Increased Penalties
<http://mgaleg.maryland.gov/2013RS/bills/hb/hb1260f.pdf>